

COURT REPORTERS
AND OFFICE

2003 JUN 31 P 2: 06

Civil Action
No. 05-11803 MLW

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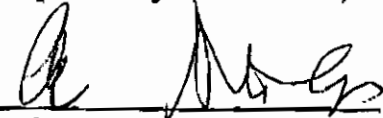
they would have to file a Motion for leave to do so. The Plaintiff can only assume that the same would apply to her although she is well below her allotted ten depositions.

During the conference, the Defendants stated that they had not received any discovery from the Plaintiff and the Plaintiff had not responded to any of their own discovery requests, Interrogatories and Requests for Production of Documents that were now overdue. They further stated that they did not intend to seek any additional discovery of this type but intended to schedule depositions including some that the witnesses had already failed to attend. Based on these representations, the Court ordered the Plaintiff to provide all discovery within two weeks under peril of dismissal of the complaint.

The Plaintiff believed that she was free to serve written discovery upon the Defendants **after she had responded to their requests** and that "no additional discovery" applied to the Defendants. Therefore, the Plaintiff did not feel a need to even mention pursuing written discovery that could be answered within thirty days and prior to the scheduling of their own depositions. The Plaintiff could not imagine and did not foresee that her failure to bring up this issue would result in her being forever foreclosed from pursuing this discovery, particularly requests for all prior investigations of police shootings.

The Court has already expressed its reluctance to dismiss this case based on the Plaintiff's prior lack of prosecution of the suit. The plaintiff has since done everything in her power to pursue this litigation. If the Court precludes her from taking this deposition, she will be unable to prove her cause of action for municipal liability. This would work the greatest hardship on the minor son of the decedent and not on the attorneys as he will have been deprived of the opportunity to seek redress from the Defendant City of Boston for its own alleged wrongdoing.

Respectfully submitted,


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Certificate of Service

I hereby certify that a true copy of the above document
was served upon the attorney of record for each other party
by mail dated on 1/21/08

